

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

WATERFURNACE INTERNATIONAL, INC.,)

)

Plaintiff,)

)

v.)

)

B&S SHEET METAL MECHANICAL, INC.,)

et al.,)

)

Defendants.)

) CAUSE NO. 1:15-CV-8

OPINION AND ORDER

On January 29, 2015, this Court entered an Opinion and Order instructing *pro se* Defendant William Jackson that his amended notice of removal was again inadequate with respect to alleging diversity jurisdiction pursuant to 28 U.S.C. § 1332, affording him through February 12, 2015, to supplement the record with respect to the citizenship of Defendant Jackson Geothermal HVAC and Drilling, LLC. (Docket # 9; *see* Docket # 6.) As the party seeking to invoke federal diversity jurisdiction, Jackson bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop'n Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997).

But on February 5, 2015, Jackson inexplicably filed what appears to be the same inadequate Amended Notice of Removal that he filed on January 29, 2015 (Docket # 8), alleging that “Defendant Jackson Geothermal HVAC and Drilling, LLC, is a fictitious entity organized and registered in the Commonwealth of Pennsylvania, with its members being the following individuals: Defendant Garth Jackson, Defendant William Craig Jackson, Andrew Jackson and Christopher Jackson,” who are all “individuals domiciled in the Commonwealth of

Pennsylvania.” (Am. Notice of Removal ¶¶ 8-12.)

To reiterate, the jurisdictional allegations with respect to Defendant “Jackson Geothermal HVAC and Drilling LLC,” stating that it is a “fictitious entity” are inadequate. If Jackson Geothermal HVAC and Drilling, LLC, is a limited liability company as its name suggests, the Notice of Removal must state so, and then articulate the identity and citizenship of each of its members. *See Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998) (stating that a limited liability company’s citizenship “for purposes of . . . diversity jurisdiction is the citizenship of its members”).

Therefore Jackson is ORDERED to supplement the record on or before February 19, 2015, to adequately recite the citizenship of Defendant Jackson Geothermal HVAC and Drilling, LLC. As this Court has already twice informed Jackson, anything less can result in a dismissal or remand for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

SO ORDERED.

Enter for this 5th day of February 2015.

s/ Susan Collins
Susan Collins,
United States Magistrate Judge